

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD T. KENNEDY,

Defendant.

No. 2:21-cv-01964-WBS-CKD

ORDER VACATING HEARING AND
ORDER TO RESPOND

Presently pending before the court is plaintiff's motion for default judgment, which is set for hearing on May 4, 2022.¹ (ECF No. 13.) Pursuant to Local Rule 230(c), defendant was required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days after the motion's filing, i.e., by April 12, 2022. (See ECF No. 14.) That deadline has now passed with no opposition or statement of non-opposition from defendant.

Out of an abundance of caution, and in light of the court's desire to resolve the action on the merits, the court provides defendant one additional, final opportunity to oppose the motion.

Accordingly, IT IS HEREBY ORDERED that:

1. The May 4, 2022 hearing on plaintiff's motion for default judgment is VACATED.

The court takes this matter under submission on the papers without oral argument,

¹ The motion was originally improperly noticed for hearing on April 27, 2022 and was reset by the court.

pursuant to Local Rule 230(g). The court will reschedule a hearing at a future date, if necessary;

2. Defendant's opposition shall be filed no later than April 27, 2022, and plaintiff's optional reply brief is due May 11, 2022;

3. Defendant is cautioned that failure to respond to the motion in compliance with this order will be deemed as consent to a summary grant of the motion, and may result in the imposition of a default judgment against defendant; and

4. Plaintiff shall promptly serve a copy of this order on defendant at his last-known address, and file a proof of service.

Dated: April 18, 2022



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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